

Compliance Monitoring Report Technical Assistance Tool

This form requests the minimum information required to demonstrate the extent of compliance with Sections 223(a)(11),(12),(13) and (14) of the JJDP Act of 2002. Many of these reporting requirements may be found in 28 C.F.R. 31.303(f)(5): Reporting Requirement. This form is a technical assistance tool and its use is optional. For questions regarding this technical assistance tool, please contact Elissa Rumsey at (202) 616-9279. This version is dated May 22, 2012.

A. General Information:

1. Year of Monitoring Report:

2013

2. Name and Address of State Planning Agency:

Name of State Agency:

Governor's Office for Children, Youth and Families

Address Line 1:

1700 W. Washington Street

Address Line 2:

Suite 230

City: Phoenix

State: Arizona

Zip: 85007

3.

Contact Person's Name:

Steve Selover

Contact Phone Number:

602-542-2393

4. During the State's monitoring effort, was the Federal definition or State definition for Criminal Type Offender, Status Offender, or Non-Offender used?

Federal Definitions were used in this monitoring report.

5. Total juvenile population of the State under age 18 according to the most recent available U.S. Bureau of Census data or census projection:

Population of Arizona Under 18 (2010 Census): 1,629,014

6. Enter the age at which original juvenile court jurisdiction ends:

18

7. Enter the reporting period dates for this Compliance Monitoring Report. Please ensure that all reporting periods are consistent.

Facility Classification	Reporting Period Begins	Reporting Period Ends	Total Months Reporting
Juvenile Detention Centers	01/01/13	01/01/14	12.00
Juvenile Training Schools	01/01/13	01/01/14	12.00
Adult Jails	01/01/13	01/01/14	12.00
Adult Lockups	01/01/13	01/01/14	12.00

8. Enter the total number of public and private secure and nonsecure detention and correctional facilities, the total number of facilities reporting data, and the number of facilities which received an on-site inspection during the past twelve months. Please attach a master list of your State's monitoring universe.

Facility Classification	Total Number of Facilities	Facilities Reporting Data	Facilities On-Site Inspected
Juvenile Detention Centers	14	14	8
Juvenile Training Schools	1	1	1
Adult Jails	35	35	16
Adult Lockups	266	265	104
Collocated Facility (Approved)	1	1	1
Collocated Facility (Non-approved)	0	0	0

Facility Classification	Percentage Reporting Data	Percentage Inspected
Juvenile Detention Centers	100.00%	57.14%
Juvenile Training Schools	100.00%	100.00%
Adult Jails	100.00%	45.71%
Adult Lockups	99.62%	39.10%
Collocated Facility (Approved)	100.00%	100.00%
Collocated Facility (Non-approved)	#N/A	#N/A

Attach a list of all approved collocated facilities. Approved collocated facilities are juvenile detention centers or training schools located within the same building or on the same grounds as an adult jail or lockup and meet the regulatory criteria.

The State Monitoring Agency must collect data for all facilities. Please attach a list of the name and address of all non-reporting facilities. Also outline the State's plan to collect future data from those non-reporting facilities.

9. Enter the number of public and private secure detention and correctional facilities which held juveniles during the past twelve months. If your State has received approval from OJJDP to use the Removal Exception, also indicate the number of facilities located outside a Metropolitan Statistical Area which meet this exception.

Facility Classification	Total Number of Facilities Holding Juveniles	Total Number of Facilities Meeting the Removal Exception
Adult Jails	7	0
Adult Lockups	107	0

B. Section 223(a)(11): Removal of status offenders and non-offenders from secure detention and correctional facilities.

1. Enter the total number of accused and adjudicated status offenders and nonoffenders, including status offender Valid Court Order violators, out-of-state runaways and Federal wards, securely detained for any length of time in the following public and private facilities:

(Do not include juveniles held in violation of the Youth Handgun Safety Act or similar State law.)

Facility Classification	Accused Number Reported	Adjudicated Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Adult Jails	0		0.00
Adult Lockups	35		35.13

2. Enter the total number of accused status offenders and Federal wards, securely detained for longer than 24 hours (not including weekends or holidays) in the following public and private facilities:

(Do not include juveniles who have violated a Valid Court Order; juveniles held in violation of the Youth Handgun Safety Act or a similar State law or juveniles held pursuant to the Interstate Compact on Juveniles.):

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Juvenile Detention Centers	16	16.00
Juvenile Training Schools	0	0.00

3. Enter the total number of adjudicated status offenders and Federal wards, including nonoffenders (*both adjudicated and accused*), securely detained for any length of time in the following public and private facilities:

(Do not include juveniles who have violated a Valid Court Order; juveniles held in violation of the Youth Handgun Safety Act or a similar State law or juveniles held pursuant to the Interstate Compact on Juveniles.):

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Juvenile Detention Centers	8	8.00
Juvenile Training Schools	0	0.00

Section 223(a)(11): Total Number of Violations

59.13

Section 223(a)(11): Rate of status offender and nonoffender detention and correctional institution-alization per 100,000 population under 18:

3.63

4. Enter the total number of status offenders securely detained in the following public and private facilities pursuant to a judicial determination that the juvenile has violated a Valid Court Order:

Facility Classification	Number of VCOs Reported	Total VCOs After Adjusting for Non-Reporting Facilities and Annualizing
Juvenile Detention Centers	40	40.00
Juvenile Training Schools	0	0.00

Please attach to your monitoring report an explanation of how the State verifies that the criteria for using the Valid Court Order exclusion has been satisfied pursuant to regulation found in 28 CFR 31.303(f)(3)(i-vii).

5. Enter the total number of juveniles held pursuant to Title 18 U.S.C., Section 922(x) (The Youth Handgun Safety Act), securely detained for any length of time in the following public and private facilities:

Facility Classification	Number of 922(x) Juveniles Reported	Total 922(x) Juveniles After Adjusting for Non-Reporting Facilities and Annualizing
Juvenile Detention Centers	16	16.00
Juvenile Training Schools	1	1.00
Adult Jails	0	0.00
Adult Lockups	0	0.00

6. Enter the total number of out-of-State runaways (not held pursuant to the Interstate Compact for Juveniles) and Federal wards securely held beyond 24 hours in a juvenile detention center or training school:

Facility Classification	Out-of-State Runaways	Federal Wards	After Adjusting for Non-Reporting Facilities and Annualizing Runaways	After Adjusting for Non-Reporting Facilities and Annualizing Federal Wards
Juvenile Detention Centers	5	4	5.00	4.00
Juvenile Training Schools	0	0	0.00	0.00

C. Section 223(a)(12): Separation of Juveniles and Adults.

1. Enter the number of public and private correctional facilities used for secure detention and confinement of both juvenile offenders and adult offenders which did not provide sight and sound separation:

Facility Classification	Number of Facilities That Did Not Provide Sight and Sound Separation of Juveniles
Juvenile Detention Center	0
Juvenile Training School	0
Adult Jails	0
Adult Lockups	0

2. Enter the number of juvenile offenders and nonoffenders not sight and sound separated from adult criminal offenders:

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Juvenile Detention Center	0	0.00
Juvenile Training School	0	0.00
Adult Jails	0	0.00
Adult Lockups	0	0.00

3. List the number of colocated facilities within the state that utilize the same staff to work with both juvenile and the adult offenders:

0

Section 223(a)(12): Total Number of Violations: 0.00

D. Section 223(a)(13): Removal of juveniles from adult jails and lockups.

1. Enter the total number of accused juvenile criminal-type offenders held securely in adult jails, lockups, and non-approved colocated facilities in excess of six (6) hours:
(Include juveniles held longer than six hours in those counties meeting the removal exception criteria.)

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Adult Jails	22	22.00
Adult Lockups	60	60.23

2. Enter the total number of accused juvenile criminal-type offenders held securely in adult jails, lockups, and non-approved colocated facilities for less than six (6) hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody:

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Adult Jails	0	0.00
Adult Lockups	0	0.00

3. Enter the total number of adjudicated juvenile criminal-type offenders held securely in adult jails, lockups, and non-approved colocated facilities in excess of six hours prior to or following a court appearance or for any length of time not related to a court appearance:

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities and Annualizing
Adult Jails	0	0.00
Adult Lockups	0	0.00

4. If your State has received approval from OJJDP to use the Removal (Rural) Exception, enter the total number of juveniles accused of a criminal-type offense who were held in excess of six hours but less than forty-eight hours awaiting an initial court appearance in areas meeting the Removal Exception.

	Number Reported	Total After Adjusting for Non- Reporting Facilities and Annualizing
Adult Jails	0	0.00
Adult Lockups	0	0.00

5. If your State has received approval from OJJDP to use the Removal Exception, enter the total number of juveniles accused of a criminal-type offense who were held in excess of forty-eight hours but less than an additional forty-eight hours awaiting an initial court appearance in areas meeting the Removal Exception due to conditions of distance or lack of ground transportation.

	Number Reported	Total After Adjusting for Non- Reporting Facilities and Annualizing
Adult Jails	0	0.00
Adult Lockups	0	0.00

6. If your State has received approval from OJJDP to use the Removal Exception, enter the total number of juveniles accused of a criminal-type offense who were held in excess of twenty-four hours but not more than an additional twenty-four hours after the time such conditions as adverse weather allow for reasonably safe travel in areas meeting the Removal Exception.

	Number Reported	Total After Adjusting for Non- Reporting Facilities and Annualizing
Adult Jails	0	0.00
Adult Lockups	0	0.00

Section 223(a)(13): Jail Removal Violations:

Total Jail removal violations listed above in numbers 1-3	82.23
Subtract total Jail Removal Exceptions reported above in numbers 4-6	0.00
Add accused and adjudicated status offenders held securely in adult jails and lockups reported in DSO worksheet	35.13

TOTAL NUMBER OF JAIL REMOVAL VIOLATIONS: 117.36

Total juvenile population of the State under the age at which original juvenile court jurisdiction ends, according to the most recent available U.S. Bureau of Census data or census projection. (This was previously reported in the "General Info" section.)	1,629,014
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Section 223(a)(13): Rate of jail removal violations per 100,000 population under the age of juvenile court jurisdiction: 7.20

Arizona Compliance Monitoring Report 2013 State Summary: DSO

Section 223(a)(11): Removal of status offenders and non-offenders from secure detention and correctional facilities.

Rate of status offender and nonoffender detention and correctional institutionalization per 100,000 population under 18:

3.63

The State is considered to be in full compliance with de minimis exceptions and is not required to address Criteria B and C on the next two pages.

Criterion B: The extent to which the instances of non-compliance were in apparent violation of State law or established executive or judicial policy.

Criterion B:

The following information must be provided in response to Criterion B and must be sufficient to make a determination as to whether the instances of non-compliance with DSO as reported in the State's monitoring report were in apparent violation of, or departures from, State law or established executive or judicial policy. OJJDP will consider this criterion to be satisfied by those States that demonstrate that all or substantially all of the instances of non-compliance were in apparent violation of, or departures from, State law or established executive or judicial policy. This is because such instances of noncompliance can more readily be eliminated by legal or other enforcement processes. The existence of such law or policy is also an indicator of the commitment of the State to the deinstitutionalization requirement and to achieving and maintaining future 100% compliance. Therefore, information should also be included on any newly established law or policy which can reasonably be expected to reduce the State's rate of institutionalization in the future.

1. A brief description of the non-compliant incidents must be provided which includes a statement of the circumstances surrounding the instances of noncompliance. (For example: Of 15 status offenders/nonoffenders held in juvenile detention or correctional facilities during the 12 month period for State X, 3 were accused status offenders held in jail in excess of 24 hours, 6 were accused status offenders held in detention facilities in excess of 24 hours, 2 were adjudicated status offenders held in a juvenile correctional facility, 3 were accused status offenders held in excess of 24 hours in a diagnostic evaluation facility, and 1 was an adjudicated status offender placed in a mental health facility pursuant to the court's status offenders jurisdiction.) Do not use actual names of juveniles.

2. Describe whether the instances of non-compliance were in apparent violation of State law or established executive or judicial policy. A statement should be made for each circumstance discussed in item 1 above. A copy of the pertinent/applicable law or established policy should be attached. (For example: The 3 accused status offenders were held in apparent violation of a State law which does not permit the placement of status offenders in jail under any circumstances. Attachment "X" is a copy of this law. The 6 status offenders held in juvenile detention were placed there pursuant to a disruptive behavior clause in our statute which allows status offenders to be placed in juvenile detention facilities for a period of up to 72 hours if their behavior in a shelter care facility warrants secure placement. Attachment "X" is a copy of this statute. A similar statement must be provided for each circumstance.)

Criterion C: The extent to which an acceptable plan has been developed.

Criterion C:

Criterion C is the extent to which an acceptable plan has been developed which is designed to eliminate the noncompliant incidents within a reasonable time, where the instances of noncompliance either (1) indicate a pattern or practice, or (2) appear to be consistent with State law or established executive or judicial policy, or both.

If the State determines that the instances of non-compliance (1) do not indicate a pattern or practice, and (2) are inconsistent with and in apparent violation of State law or established executive or judicial policy, then the State must explain the basis for this determination. In such case no plan would be required as part of the request for a finding of full compliance.

The following must be addressed as elements of an acceptable plan for the elimination of non-compliant incidents that will result in the modification or enforcement of state law or executive or judicial policy to ensure consistency between the State's practices and the JJDP Act deinstitutionalization requirements.

1. If the instances of non-compliance are sanctioned by or consistent with State law or executive or judicial policy, then the plan must detail a strategy to modify the law or policy to prohibit non-compliant placement so that it is consistent with the Federal deinstitutionalization requirement.
2. If the instances of non-compliance are in apparent violation of State law or established executive or judicial policy, but amount to or constitute a pattern or practice rather than isolated instances of noncompliance, the plan must detail a strategy which will be employed to rapidly identify violations and ensure the prompt enforcement of applicable State law or executive or judicial policy.
3. The plan must be targeted specifically to the agencies, courts, or facilities responsible for the placement of status offenders and nonoffenders in compliance with DSO. It must include a specific strategy to eliminate instances of non-compliance through statutory reform, changes in facility policy and procedure, modification of court policy and practice, or other appropriate means.

If OJJDP makes a finding that a State is in full compliance with de minimis exceptions based, in part, upon the submission of an acceptable plan under Criteria C above, the State will be required to include the plan as part of its current or next submitted formula grant plan as appropriate. OJJDP will measure the State's success in implementing the plan by comparison of the data in the next monitoring report indicating the extent to which non-compliant incidences have been eliminated.

Arizona Compliance Monitoring Report 2013 State Summary: Separation

Section 223(a)(12): Separation of Juveniles and Adults.

The number of juvenile offenders and nonoffenders not separated from adult criminal offenders:

0

The State is in full compliance with this requirement. The State does not need to address the items listed below.

Attach a summary to discuss the extent of the State's compliance in implementing Section 223(a)(12), and how reductions have been achieved, including the identification of State legislation which directly impacts on compliance. Discuss any proposed or recently passed legislation or policy which has either positive or negative impact on achieving or maintaining compliance. As part of this summary, answer the following:

1. Did all instances of noncompliance violate State law, court rule, or established executive or judicial policy?
2. Did the instances of noncompliance indicate a pattern or practice?
3. Are existing mechanisms for enforcing the State's separation law, court rule, or other established executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future?
4. Describe the State's plan to eliminate the noncompliant incidents.

Arizona Compliance Monitoring Report 2013 State Summary: Jail Removal

Section 223(a)(13): Removal of juveniles from adult jails and lockups.

Rate of jail removal violations per 100,000 population under 18:

7.20

Please attach a narrative to the State's monitoring report which includes the numerical de minimis information listed below. It is not necessary to address the substantive de minimis information.

Numerical De Minimis: The extent that noncompliance is insignificant or of slight consequence.

Acceptable Plan: Describe the State's plan to eliminate the noncompliant incidents through the enactment or enforcement of State law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means.

Substantive De Minimis: The extent that noncompliance is insignificant or of slight consequence.

1. Recently Enacted Changes in State Law Exception to Substantive De Minimis: Describe recently enacted changes in State law which have gone into effect, and which can reasonably be expected to have a substantial, significant, and positive impact on the State's achieving full (100%) compliance, or full compliance with the with de minimis exceptions by the end of the monitoring period immediately following the monitoring period under consideration.
2. Were all instances of noncompliance in violation of or departures from State law, court rule, or other Statewide executive or judicial policy?
3. Do the instances of noncompliance indicate a pattern or practice, or do they constitute isolated instances?
4. Are existing mechanisms for enforcement of the State law, court rule, or other Statewide executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future?
5. Describe the State's plan to eliminate the noncompliant incidents and to monitor the existing enforcement mechanism.

Arizona Compliance Monitoring Report 2013 Compliance Monitoring Report Checklist

Please include the following information with the State's Compliance Monitoring Report:

- ☒ A copy of this Compliance Monitoring Report, including the State Summary pages, this checklist, and the OJJDP Worksheet page.
- ☐ Not applicable.

- ☒ A master list of your State's monitoring universe. This Master List should include: each facility identified that might hold juveniles pursuant to public authority; each facility classified according to OJJDP regulation; the date of last inspection; and relevant information on data collection/data verification.

- ☒ A list of all approved collocated facilities. Approved collocated facilities are juvenile detention centers or training schools located within the same building or on the same grounds as an adult jail or lockup and meet the regulatory criteria.
- ☐ Not applicable.

- ☒ The State Monitoring Agency must collect data for all facilities. Please attach a list of the name and address of all non-reporting facilities.

- ☒ The State Monitoring Agency must collect data for all facilities. Please provide an outline of the State's plan to collect future data from those non-reporting facilities.
- ☐ Not applicable.

- ☒ Please attach to your monitoring report an explanation of how the State verifies that the criteria for using the Valid Court Order exclusion has been satisfied pursuant to regulation found in 28 CFR 31.303(f)(3)(i-vii).
- ☐ Not applicable.

- ☐ Not applicable.

- ☐ Not applicable.

- ☐ Please attach a narrative to the State's monitoring report which includes the numerical de minimis information listed in the State Summary: Jail Removal section. It is not necessary to address the substantive de minimis information.
- ☐ Not applicable.

Please print and submit this Monitoring Report Data Worksheet with your Annual Compliance Monitoring Report. It is used by OJJDP to track States' compliance. DO NOT MAKE ANY CHANGES TO THIS WORKSHEET.

Monitoring Report Data Worksheet

State: **Arizona** Year: **2013** Sup: Reviewer:

Juvenile Population: # Under 18: **1629014** State Age of Majority: **18** # by State Definition:

Section 223(a)(11) DSO

Current Dates (Start/End)

01/01/13 01/01/14

Number of VCOs: **40**

	Accused	Adjudicated	Total
Totals			
Juvenile Detention	16	8	
Training School	0	0	
Adult Jails	0	0	
Adult Lockups	35	0	
ONA	0	0	

Out of State Runaways: **5** Federal Wards: **4**

Section 223(a)(12) Separation

Current Dates (Start/End)

01/01/13 01/01/14

	# Facilities w/o Sep	# of Juveniles
Current		
Jails + Other	0	0
Lockups	0	0

Section 223(a)(13) Removal

Current Dates (Start/End)

01/01/13 01/01/14

Facilities					Criminal Type Offenders				# SO		# Exceptions Held
#	#	#	#	#	# Accused	# Adjudicated			in Jail	In LU	
Jails	Holding	Lockups	Holding	Exceptions	in Jail	in LU	In Jail	in LU	in Jail	In LU	Total # Held
35	7	266	107	0	22	60	0	0	0	35	0